



THE CITY OF WINTER GARDEN

PLANNING, ZONING AND DEVELOPMENT

270 W. PLANT STREET

WINTER GARDEN, FL 34787

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www.cwgdn.com

APPLICATION FOR AN APPEAL OF A PLANNING AND ZONING BOARD DECISION

Section 98-31 of the City Code of Ordinance allows for anyone aggrieved by a decision of the Planning and Zoning Board to appeal said decision to the City Commission. This document is the official appeals application. Please complete this form, supply all required information, and provide the appropriate fee.

1. Name & Address of Petitioner:

FAX:

Phone Number:

2. Contact Person/Mailing Address (If different):

FAX:

Phone Number:

3. If Corporation, Names of President and Secretary:

PRESIDENT: _____ SECRETARY: _____

4. Property ID Number: _____

5. Address of site: _____

6. Provide a full legal description: _____

7. Decision to be appealed (Date, nature of the decision):

8. I understand that the City of Winter Garden requires that the applicant be responsible for reimbursing the City for all advertising costs associated with this application, including postage for notices to adjacent property owners, and for newspaper advertising as required by the Florida Statutes and the City Code. I understand that I will be billed for these costs and will be responsible for paying them, whether or not my application for an appeal is successful.

In addition, if this application is deemed to require review by the City Engineer, City Surveyor and/or City Attorney, I understand that I or my company will be responsible to pay for any and all reasonable legal, engineering, or surveying fees incurred by the City of Winter Garden in the process of reviewing the above project. I also understand that if this project property is sold, I or my company will be responsible to ensure that the new owner writes a similar letter accepting all the responsibility to pay for any and all reasonable legal, engineering, or surveying fees incurred by the City of Winter Garden in the process of reviewing this project from the date the property is sold.

An Applicant shall provide prompt written notice to the City manager in the event of a change in ownership of all or a portion of a lot, tract, or parcel of real property with the respect to which an Application , or project is pending before the City.

Invoices for the costs associated with _____ (project name or address) should be sent to (name and address of responsible party):

Signature of the Petitioner

Print Name: _____

Date _____

If petitioner is a legal representative of the owner, an affidavit signed by the owner must accompany this petition.

Submittal Requirements:

1. A letter describing:
 - a. The nature and reason for your appeal,
 - b. A description of the determination of the Planning and Zoning Board.
 - c. Why you believe the P&Z Board decision is incorrect.
2. Fee: A non-refundable fee of \$300 is required.

The Planning and Zoning Director may require additional information. Return this form and the above submittal requirements to the Planning Director at the address above.

Procedure:

City Staff will review the appeal and place it on the next available City Commission agenda after proper notification.

Code of Ordinances

The City of Winter Garden's Code of Ordinances can be found on the Internet at <http://www.municode.com/database.html>. Access to the Internet can be obtained at any branch of the Orange County Library.

Sec. 98-31. Appeal from decisions.

(a) Any person aggrieved by any decision of the planning and zoning board may file a notice of appeal to the city commission within 15 days after such decision is rendered by the board. The person appealing shall file a notice of appeal upon a form prescribed by the director of planning in the office of the city manager stating wherein the board erred. The director of planning shall forthwith transmit to the city commission all the papers, photographs and exhibits constituting the record upon which the action appealed from was taken or properly certified copies thereof in lieu of originals as the city commission may elect.

(b) Upon the filing of the notice of appeal, the director of planning shall promptly mail a copy of a notice of hearing before the city commission by United States mail, postage prepaid, to the original applicant, to the owner of record of the subject property and the owners of property within 300 feet, furnished by the person who filed the original appeal, to each attorney at law appearing for any person at the hearing before the board and to the city attorney.

(c) The mayor-commissioner of the city commission or in his absence the mayor pro tempore may administer oaths and compel the attendance of witnesses. All meetings of the city commission shall be open to the public. The city commission shall keep minutes of its meetings, showing the vote of each member on each hearing or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the minutes of the city commission.

(d) The city commission shall conduct a hearing de novo upon any appeal taken from the ruling of the board and shall hear the testimony of witnesses and other evidence offered by the aggrieved person and interested parties to the appeal and may, in conformity with this article and the zoning resolutions, rules and regulations adopted thereunder, reverse, or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the board. The city commission shall render its decision on the appeal within 21 days after the conclusion of the public hearing. For good cause, the city commission may extend the time for holding its hearing and rendering its decision to a time certain after notice to all parties to whom notice of such hearing is required.

(Code 1988, § 16-32)